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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,463	10/20/2003	Hans Michael Ockenfels	01840.0001-US-01	4148
22865	7590	02/24/2006	EXAMINER	
ALTERA LAW GROUP, LLC 6500 CITY WEST PARKWAY SUITE 100 MINNEAPOLIS, MN 55344-7704			SHAY, DAVID M	
			ART UNIT	PAPER NUMBER
			3735	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/689,463	OCKENFELS, HANS MICHAEL
	Examiner david shay	Art Unit 3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on December 9, 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-, 10-20, 22, and 23 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 18-, 10-20, 22, and 23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 11-14, 16-19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al in combination with Chernoff and Sator et al. Anderson et al teaches treatment of psoriasis wherein the skin is tested, e.g. by determining skin thickness to determine psoriatic areas and the areas are exposed to treatment radiation. Chernoff teaches a device and method for treating the skin wherein the skin depth is determined at each point of treatment and the treatment laser power is adjusted for the depth at each point. Sator et al teach that PUVA treated skin experiences accelerated thinning which is correlated with the PUVA compaired to the skin of people who have not undergone PUVA and that ultrasound is a sensitive and non-invasive method for determining skin thickness. It would have been obvious to the artisan or ordinary skill to use ultrasound to measure the skin thickness of patients in the method of Anderson et al, since this is a dsensative and non-invasive measure, as taught by Sato et al, and to employ the laser-ultrasound cooperation steps of Chernoff in the method, since this would enable the dosages to be minimized for each patient by preventing the dosing of unaffected skin, thus producing a device and method such as claimed.

Claims 8, 10, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al in combination with Chernoff and Sator et al as applied to claims 1-7, 11-19, and 23 above, and further in combination with Mueller et al. Mueller et al teach the incorporation of a laser and ultrasound applicator in a single instrument. It would have been obvious to the artisan of ordinary skill to provide the laser and ultrasound applicator in the combined method of Anderson et al in combination with Chernoff and Sator et al, since the separated ultrasound and

laser applicators and combined applicators are equivalents, as shown by Mueller et al, or, alternatively, to employ the combined method of Anderson et al in combination with Chernoff and Sator et al in the method of Mueller et al, since Mueller et al discuss no therapy for any particular condition and in either case, to employ a mirror arm to conduct the radiation, since this is equivalent to the use of fiber optics and can more efficiently transmit ultraviolet light, official notice of which is hereby taken, thus producing a device such as claimed.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al in combination with Chernoff and Sator et al as applied to claims 1-7, 11-19, and 23 above, and further in combination with Bonis et al. Bonis et al teach increasing the dosage of UV light in psoriasis plaques that do not respond to a base level of therapy, and continuing the increase until a response is seen. It would have been obvious to the artisan of ordinary skill to employ the dosage increase technique of Bonis et al the the combined method of Anderson et al in combination with Chernoff and Sator et al, since this yields better results, as taught by Bonis et al, thus producing a method and device such as claimed.

Applicant's arguments with respect to claims 1-8, 10-20, 22, and 23 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to david shay whose telephone number is (571) 272-4773. The examiner can normally be reached on Tuesday through Friday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco, can be reached on Monday through Friday. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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